

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI

Case Number: 23-cv-705-SRB

**AMENDED NOTICE OF INCLUSION
IN THE MEDIATION AND ASSESSMENT PROGRAM**

Your case has been included in the Western District of Missouri's Mediation and Assessment Program ("Program" or "MAP") for alternative dispute resolution (ADR) in accordance with the Court's General Order attached. The initial ADR assignment is to Mediation (ADR-M), though another ADR Option Session (ADR-O) may be used in lieu of ADR-M when appropriate.

If you have been served, you must file a timely response to avoid the risk of a default judgment. **Inclusion in MAP does not relieve a party of any obligations or deadlines in this lawsuit. Parties shall comply with all orders of the assigned Judge.**

Your case has been assigned to the following category for ADR:

☒ Outside Neutral Category I (Parties select Outside Neutral)

☐ Outside Neutral Category II (MAP Director selects Outside Neutral)

☐ U.S. Western District Judge, Magistrate Judge, or Bankruptcy Judge ("MAP Judge")

☐ MAP Director

Parties shall engage in ADR within 75 days of the Rule 26 conference unless: 1) an exemption request has been made and granted by the MAP Director; 2) the case is assigned to a MAP Judge and the MAP Judge determines it appropriate to adjust the timing; 3) the case is assigned to the MAP Director and the MAP Director determines it appropriate to adjust the timing; or 4) other exigent circumstances.

Questions regarding compliance with the Program or the inclusion of your case in the Program should be addressed to the MAP Director, preferably via e-mail at map@mow.uscourts.gov. You may also contact the MAP Office at 816-512-5080 or send a fax to 816-512-5089.

WHY ADR AND FORMS OF ADR

Although parties are entitled to pursue all claims or defenses to claims that have been asserted until a disposition of the claims or defenses is made by the Court or a jury, most lawsuits are resolved through ADR. The initial random assignment to ADR is for ADR-M although other forms of ADR, known as ADR-O, are permitted under the Court's General Order. ADR-M is more fully described in the General Order but generally involves a confidential session with a neutral third party assisting the parties in developing and exploring their underlying interests, risks and benefits of litigation, legal positions, and options toward resolving the case through negotiations. As more fully discussed in the General Order, ADR-O in lieu of ADR-M may be appropriate for a case.

PARTICIPATION REQUIREMENTS

Required participants for mediation or other ADR option session shall attend in person unless:

a) the Court has issued an exemption; b) the MAP Director provides a written exemption; or c) the assigned Neutral has determined that each participant requesting to engage via technology will do so in compliance with the General Order and the purpose of the General Order can be achieved by such participation.

Participants shall include: 1) lead trial counsel; 2) all named parties (in the event of an LLC, business entity or corporation, the appropriate person with authority); and 3) where applicable, other individuals (e.g., insurance company representatives).

Participants should carefully review the case prior to ADR-M or ADR-O and be prepared to consider and discuss the risks and benefits and options for resolution short of trial. Settlement is not required under the Program.

Confidentiality is essential in ADR-M and most other ADR-O sessions. All participants must ensure the appropriate level of confidentiality, both before and after ADR-M or ADR-O.

OUTSIDE NEUTRAL ASSIGNMENT

Assignments to the Outside Neutral category will either be in Category I or Category II. Under Category I, the parties select an Outside Neutral from the Court's List or select someone outside the Court's List with the Director's advance approval. Under Category II, the MAP Director selects the Outside Neutral from the Category II List. Individuals on the Category II List are placed on the list based on a selection process with a Selection Committee. As more fully set forth in the General Order, if the parties are assigned to Category I, the parties shall jointly file a Designation of Neutral (ADR event) within fourteen (14) days of the Rule 26 conference with the Neutral's name and the date, time, and mode of mediation. When feasible, please use the PDF fillable Designation of Neutral on the Court's website under the MAP tab.

In cases assigned to the Outside Neutral category, the parties are responsible for the reasonable fees and expenses of the Outside Neutral as more fully set forth in the General Order.

When feasible, e-mail the MAP Director at the conclusion of the ADR session advising whether the case resolved. **Within 10 calendar days after the ADR session with the Outside Neutral, either the Neutral or the parties (pro se or by counsel if represented) shall submit a post-ADR status report** to the MAP Director (separately or jointly, and preferably by email to map@mow.uscourts.gov). When feasible, please use the PDF fillable post-ADR status report under the MAP tab. *The post-ADR status report is not to be filed in CM/ECF.*

JUDGE ASSIGNMENT

If your case has been assigned to a Judge under the Program ("MAP Judge"), the MAP Judge or an authorized member of the MAP Judge's staff will notify you of a time for an initial telephone conference or a specific date, time, and place of an ADR session.

DIRECTOR ASSIGNMENT

If your case has been assigned to the MAP Director, the Director's Office will notify you of a time for an initial telephone conference or a specific date, time, and place of an ADR session.

SANCTIONS

The assigned Judge may sanction any party and/or counsel for: 1) refusing to cooperate or timely cooperate in the Program; 2) failing to timely comply with requests consistent with the Program; 3) failing to participate in the Program consistent with the provisions and spirit of the General Order; and/or 4) failing to abide by any rule or guidelines applicable to any participant in the Program.

QUESTIONS

Please review the MAP General Order and the MAP FAQs:

<http://www.mow.uscourts.gov/district/map>
http://www.mow.uscourts.gov/sites/mow/files/MAP_FAQs.pdf.

You may also contact the MAP office:

Laurel Stevenson, Director
Charles Evans Whittaker Courthouse
400 E. 9th Street, Room 3238
Kansas City, Missouri 64106
map@mow.uscourts.gov (E-mail)
816-512-5080 (Telephone)
816-512-5089 (Facsimile)

CONFIDENTIALITY

Information relating to the substance of a case within MAP is typically confidential, including communications with the parties and/or their counsel. Thus, information related thereto shall not be referenced in court filings nor disclosed to the Judges of this Court unless ordered by the assigned Judge, permitted by the MAP Director, or allowed by the MAP General Order. Questions regarding confidentiality should be directed to the MAP Director.